

S.V.

A N N O T A T E D

A G E N D A

BOARD OF ZONING ADJUSTMENT

AUGUST 28, 1980

CALL TO ORDER: 7:30 P.M. in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL: PRESENT: SWESSEL, GILES, MYERS
EXCUSED: BUGBEE, EMMETT

ANNOUNCEMENT: Satisfaction of Open Meeting Law

MINUTES: Approval of the Minutes for the Board of Zoning Adjustment meetings held April 24, 1980; May 22, 1980; June 26, 1980; and July 24, 1980.

APPROVED
MYERS/UNANIMOUS

OLD BUSINESS:

1. V-101-77*(SEE BELOW) Consideration of Revocation of the approved variance for Mobile Home Communities, Inc. which allowed the in-park sale of used mobile homes in the Bonanza Village Mobile Home Park on property located at 3700 East Stewart Avenue in Zoning District R-T.
Consideration of Revocation
(Abeyance Item from 7/24/80)

NEW BUSINESS:

1. U-45-80 Application of JAMES J. BROWN, ET AL for a use permit to allow a professional office use (law office) in an R-4 zone on property located at 826 East Charleston Boulevard in Zoning District R-4.
APPROVED
MYERS/UNANIMOUS
2. V-55-80 Application of THOMAS L. WALLACE for a variance to allow a watchman's apartment in an "M" zone on property located at 3227 Meade Avenue in Zoning District "M".
APPROVED
MYERS/UNANIMOUS
3. V-56-80 Application of WALTER B. AND LILLIAN O. FEATHERSTON for a variance to allow a two-car garage addition six feet (6') from the west side property line where ten feet (10') is required on property located at 1910 West Oakey Boulevard in Zoning District R-E.
APPROVED
GILES/UNANIMOUS
4. V-57-80 Application of GEORGE AND PATRICIA L. SEEVERS for a variance to allow a horse breeding service for fee in conjunction with the permitted raising of horses; and to allow existing stables and corrals to the side and rear property lines where twenty five ft. (25') setbacks are required on property located at 5005 Sandra Road in Zoning District R-E.
APPROVED HORSE BREEDING SERVICE; DENIED SIDE & REAR PROPERTY LINE DEVIATIONS
GILES/2-1/SWESSEL
VOTED "NO"

*V-101-77 - VARIANCE NOT TO BE REVOKED, LICENSE FROM STATE FOR SALE OF NEW MOBILE HOMES TO BE RESCINDED; MYERS/UNANIMOUS

5. V-58-80
APPROVED
MYERS/UNANIMOUS
- Application of TEAMSTERS LOCAL UNION #995 for a variance to allow a storage building ten feet (10') from the rear property line where fifteen feet (15') is required; and to allow a carport structure one foot (1') from the side property line where five feet (5') is required on property located at 300 Shadow Lane in Zoning District R-1.
6. V-59-80
DENIED
MYERS/MOTION FOR DENIAL/
2-1/GILES VOTED "NO"
- Application of GARY VAUSE for a variance to allow an outdoor activity area (children's play yard) in conjunction with a kindergarten school and a child care center on property located at 2319 West Charleston Boulevard in Zoning District R-1. (A request is currently being considered to rezone this property to C-D.)
7. V-60-80
DENIED
SWESSEL/UNANIMOUS
- Application of JAMES A. HAMPTON, ET AL for a variance to allow existing patio covers 9.96 ft. from the rear property line where fifteen ft. (15') rear yard setbacks are required on Lots 1 and 2; allow existing patio covers 11'7" from the side property line on Lot 4, 9'3" from the side property lines on Lot 6, 9'6" from side property lines on Lot 8, and 10'5" from the side property line on Lot 10 where fifteen ft. (15') side yard setbacks are required on all four lots; allow existing patio covers ten feet (10') from the rear property line and with an average rear yard setback of 13.85 feet on Lots 4, 6, 8, and 10 where fifteen ft. (15') average rear yard setbacks are required, all of the above lots are in the Sun City Sub-division, on property generally located at the northeast corner of Arville Street and Oakey Boulevard in Zoning District R-1.
8. V-61-80
APPROVED
MYERS/UNANIMOUS
- Application of DOROTHY ANDERSON for a variance to allow two existing non-conforming dwelling units where only one dwelling unit is allowed; to allow an addition to the front non-conforming dwelling which is 3.75 ft. from the side property line where five feet (5') is required; and to allow the rear non-conforming dwelling ten feet (10') from the rear property line where fifteen feet (15') is required on property located at 410 Vandalia Street in Zoning District R-1.
9. U-49-80
APPROVED
MYERS/UNANIMOUS
- Application of COLUMBIA INTERNATIONAL, INC. for a Use Permit to allow a coin operated car wash on property located at 200 North Jones Boulevard in Zoning District C-1.
10. V-62-80
APPROVED TWO-STORY
OFFICE BUILDING WITH
5 FT. REAR YARD SETBACK
MYERS/UNANIMOUS
- Application of THEODORE J. MANOS, ET AL for a variance to allow a two story office building two feet (2') from the rear property line where fifteen feet (15') is required on property located at 501 South 6th Street in Zoning District P-R.

11. V-63-80
APPROVED
MYERS/UNANIMOUS
Application of RICHARD L. CAMPBELL for a variance to allow an existing residence 3.5 ft. from the east side property line where five feet (5') is required on property located at 2128 Glen Heather Way in Zoning District R-1.
12. V-64-80
APPROVED
MYERS/UNANIMOUS
Application of CARPETERIA INC. for a variance to allow twenty-two (22) parking spaces where eighty-five (85) are required on property generally located on the west side of Vista Drive, approximately 200 ft. south of Charleston Boulevard in Zoning District C-1.
13. V-65-80
APPROVED FOR 1 YR.
GILES/UNANIMOUS
Application of E B C TRUST AND ERNIE BLACK for a variance to allow fourplexes where only duplexes are permitted and to allow eighty-five (85) units on the eastern site where sixty-seven (67) units are permitted; and to allow sixty-six (66) units on the western site where only fifty-one (51) are permitted on property located approximately 200 ft. north of Bonanza Road between Dike Lane and Tonopah Drive in Zoning District R-2. (Variances for this request were previously approved but expired recently.)
14. U-50-80
APPROVED
MYERS/UNANIMOUS
Application of COLUMBIA INTERNATIONAL, INC., A NEVADA CORPORATION for a use permit to allow a professional office use on property located at 707 South 10th Street in Zoning District R-4.
15. V-67-80
APPROVED WITH MARQUEE
TO BE LOCATED 1' BEHIND
THE CURB AND THE MIDDLE
OF THE SIGN NOT TO EXTEND
BEYOND THE CURB LINE
GILES/2-1/SWESSEL VOTED "NO"
Application of BOB STUPAK for a variance to allow an on-premise sign to extend eighteen inches (18") beyond the curb where a three ft. (3') setback from the curb is required on property located at 22 East Fremont Street in Zoning District C-2.
16. V-35-75
Extension
APPROVED FOR 5 YRS.
MYERS/UNANIMOUS
Request of CUSTOM LEATHER INC. for an extension of the approved variance which allowed commercial use of the existing building located within the required 25 ft. rear yard setback area where no commercial use is allowed within this required rear yard setback area on property located at 3216 West Charleston Boulevard in Zoning District C-D.
17. U-30-74
Plot Plan Review
APPROVED
GILES/UNANIMOUS
Request of COUNTY OF CLARK for a plot plan review to allow an office and storage facility for the Clark County Public Administrator on property located at 545 Shadow Lane in Zoning District R-1.

S U P P L E M E N T A L A G E N D A

BOARD OF ZONING ADJUSTMENT

AUGUST 28, 1980

1. U-51-80(H0)
 APPROVED
 GILES/UNANIMOUS

Application of DWAYNE SCOTT for a home occupation permit to allow the assembling of model hover craft kits in boxes for mailing on property located at 7012 Oakhurst Avenue in Zoning District R-1.

MINUTES

BOARD OF ZONING ADJUSTMENT

AUGUST 28, 1980

CALL TO ORDER: A regular meeting of the Board of Zoning Adjustment was called to order at 7:30 P.M. by Chairman Swessel in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

PRESENT: Chairman Swessel, Mrs. Myers, Mr. Giles

EXCUSED: Mr. Bugbee, Mrs. Emmett

STAFF PRESENT: Harold P. Foster, Director and Don W. Brown, Supervisor of Zoning, Department of Community-Planning and Development; Clay Hymer, Director, Department of Building and Safety; and Chris Gellner, Deputy City Attorney.

ANNOUNCEMENT: MR. BROWN announced that the agenda for this regular meeting of the Board of Zoning Adjustment had been posted and mailed in accordance with NRS Chapter 241 and affidavits are on file in the Office of Community Planning and Development.

MINUTES: MRS. MYERS made a Motion for APPROVAL of the Minutes of the regular meetings of the Board of Zoning Adjustment held April 24, 1980; May 22, 1980; June 26, 1980; and July 24, 1980. Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. V-101-77
Consideration
of Revocation

(Abeyance Item
from 7/24/80)

VARIANCE WAS NOT
REVOKED

Consideration of revocation of the approved variance for Mobile Home Communities, Inc., which allowed the in-park sale of used mobile homes in the Bonanza Village Mobile Home Park on property located at 3700 East Stewart Avenue in Zoning District R-T (Trailer Residence). The above property is legally described as a portion of the Northwest Quarter (NW $\frac{1}{4}$) of Section 31, Township 20 South, Range 62 East, M.D.B. & M.

MR. BROWN stated this item was held in ABEYANCE to allow the Board to review the investigative report prepared by the Department of Business Activity. He pointed out the variance did not permit the sale of other than used mobile homes and the Board was to discern whether the variance should be denied as a result of the one violation.

CHAIRMAN SWESSEL asked for a statement from the Department of Business Activity.

JIM DIFIORE, License Investigator, Department of Business Activity, said the investigation was conducted as a result of a complaint that a new mobile home had been sold at the Bonanza Village Mobile Home Park, 3700 East Stewart Avenue. He pointed out the applicant had obtained a license from the State of Nevada to sell new mobile homes, but there is no record of a permit being obtained from the City of Las Vegas.

WILLIAM URGA, Attorney, Jolley Urga & Wirth, was present representing the applicant.

GREGORY JOHN LAWS, the applicant, was present.

GREGORY JOHN LAWS reported at the time he applied for a new sales license with the State he had intended to use property at the corner of Pecos and Bonanza Road for a new mobile home sales lot, but due to unforeseen circumstances there was no follow-up of that intent. He said a letter was submitted to the Department of Business Activity dated July 30, 1980, detailing the circumstances of the sale of the new mobile home in question and there was never any attempt to cover up the fact that the new mobile home was sold. He said it was properly reported to all the proper agencies.

MR. URGA pointed out that Mr. Laws when he originally applied for a variance directed a letter to the Department of Community Planning and Development showing that he was aware of the need to come back before the Planning Commission and City Licensing Department to change from a seller of used mobile homes to a seller of new mobile homes and it was his intent to do so.

MR. DIFIORE said there has only been one attempt to sell a new mobile home in this park.

MR. URGA said since it is not their intent to sell any new mobile homes at this location in the future they would be willing to give up the state license.

MR. DIFIORE said his department would like their assurance that this practice will not be a continual thing and if there are changes in the applicant's business activities the Department of Business Activity should be contacted immediately and notified of these changes.

CHAIRMAN SWESSEL asked if there was anyone present who wished to speak for or against this application.

SHANNON ZIVIC, President, Mobile Home Owners League of the Silver State, Inc., 5900 West Tropicana, appeared in protest and said the State license makes it possible for the landlord to evict tenants at will. She referred to a survey of eviction percentages prepared by the Mobile Homeowners League.

CHAIRMAN SWESSEL stated that the eviction report is not at issue and asked for an opinion from the Deputy City Attorney with regard to what action can be taken by the Board.

CHRIS GELLNER, Deputy City Attorney, said the Board has the power to revoke the variance if the conditions are violated and it would be up to the Board to determine if a sufficient violation has occurred.

MRS. MYERS made a Motion for DENIAL of the revocation of variance V-101-77, subject to the following condition:

1. The applicant's State license to sell new mobile homes be rescinded.

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers

"NOES" None

Motion for DENIAL carried unanimously.

NEW BUSINESS:

1. U-45-80

APPROVED

Application of JAMES J. BROWN, ET AL, for a use permit to allow a professional office use (law office) in an R-4 zone on property located at 826 East Charleston Boulevard in Zoning District R-4 (Apartment Residence). The above property is legally described as Lot 3, Block 1, Vega Verde Addition.

MR. BROWN stated this property is on the south side of Charleston Boulevard approximately four lots west of 10th Street in the midst of R-4 zoning. A variance was granted on this property in 1979 for a gift shop and an office for interior design. The variance has expired. Staff feels this use would be compatible and recommends approval.

Chairman Swessel declared the public hearing open and asked to hear from the applicant.

JAMES J. BROWN, the applicant, was present. He noted that the garage no longer exists on the property and there is contiguous parking adjacent to the law office.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MRS. MYERS made a Motion for APPROVAL of U-45-80, subject to the following conditions:

1. The use of the garage shall be limited to parking only.
2. Construct a six ft. block wall on the south as required by the Department of Community Planning and Development.
3. Conformance to the plot plan.
4. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

2. V-55-80

APPROVED

Application of THOMAS L. WALLACE for a variance to allow a watchman's apartment in an "M" zone on property located at 3227 Meade Avenue in Zoning District "M" (Industrial). The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$) of Section 8, Township 21 South, Range 61 East, M.D.B. & M.

MR. BROWN presented the plot plan and stated that staff recommended approval.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

The applicant or a representative was not present.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MRS. MYERS made a motion for APPROVAL of V-55-80, subject to the following condition:

1. The apartment shall be used only for a watchman.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously

3. V-56-80

APPROVED

Application of WALTER B. AND LILLIAN O. FEATHERSTON for a variance to allow a two-car garage addition six feet (6') from the west side property line where ten feet (10') is required on property located at 1910 West Oakey Boulevard in Zoning District R-E (Residence Estates). The above property is legally described as a portion of Block 11, Scotch Eighty (Resubdivision).

MR. BROWN stated this application was before the Board previously in 1977. A variance was granted at that time and has since expired. He noted conditions have not changed in the neighborhood and staff recommends approval.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

WALTER B. FEATHERSON, 1910 West Charleston Boulevard, applicant, was present.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MR. GILES made a Motion for APPROVAL of V-56-80, subject to the following conditions:

1. Conformance to the plot plan.
2. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

4. V-57-80

APPROVED - Horse
Breeding Service
DENIED - Side and
Rear Property Line
Deviations

Application of GEORGE AND PATRICIA L. SEEVERS for a variance to allow a horse breeding service for fee in conjunction with the permitted raising of horses; and to allow existing stables and corrals to the sides and rear property lines where twenty five feet (25') setbacks are required on property located at 5005 Sandra Road in Zoning District R-E (Residence Estates). The above property is legally described as Lot 4, Block 2, Happy Valley Ranchos, Tract No. 2.

MR. BROWN presented the plot plan. He stated breeding horses for a fee would constitute a commercial use which would be incompatible with the established residential neighborhood and staff would recommend denial.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

GEORGE SEEVERS, the applicant, was present and explained that the area would be used only two to three months out of the year with minimal traffic into the area. He noted that the zoning would allow 4.5 horses and he only has 3 horses.

CHAIRMAN SWESSEL asked if there was anyone else who wished to be heard; there being no one, he declared the public hearing closed.

MR. GILES made a Motion for APPROVAL, subject to the following conditions:

1. All corrals and stables shall conform to the required setbacks.
2. Conformance to the plot plan.
3. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Giles, Mrs. Myers.

"NOES" Chairman Swessel.

Motion for APPROVAL carried by a 2/1 vote.

5. V-58-80

APPROVED

Application of TEAMSTERS LOCAL UNION #995 for a variance to allow a storage building ten feet (10') from the rear property line where fifteen feet (15') is required; and to allow a carport structure one ft. (1') from the side property line where five feet (5') is required on property located at 300 Shadow Lane in Zoning District R-1 (Single Family Residence). The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 33, Township 20 South, Range 61 East, M.D.B. & M.

MR. BROWN presented the plot plan and stated that the proposed use is compatible with the established uses in the neighborhood. Staff recommends approval.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

BILL CARTER, Teamsters Union #995, the applicant, was present.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MRS. MYERS made a Motion for APPROVAL, subject to the following conditions:

1. Conformance to the plot plan.
2. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

6. V-59-80

DENIED

Application of GARY VAUSE for a variance to allow an outdoor activity area (Children's play yard) in conjunction with a kindergarten school and a child care center on property located at 2319 West Charleston Boulevard in Zoning District R-1 (Single Family Residence). (A request is currently being considered to rezone this property to C-D, Designed Commercial.) The above property is legally described as Lot 9, Block 1, McNeil Tract #2.

MR. BROWN presented the plot plan. He reported the Planning Commission has recommended this area be approved for C-D (Designed Commercial) zoning. The Board of City Commissioners will consider this rezoning at their meeting on September 3, 1980.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

GARY VAUSE, the applicant, 2301 West Charleston Boulevard, was present. He stated the purpose of the variance is to provide an outdoor play area as required by City ordinance in conjunction with the addition of a State certified kindergarten at the school. The school operates from 6:30 A.M. to 6:30 P.M.

JUDGE DON MOSLEY, 1127 Westlund Drive, appeared in protest and objected to the possible noise and nuisance factor, as well as traffic congestion in the area.

MIKE CHADBURN, 2318 Sherman Place, also appeared. He said although he objected, he would be willing to reach an agreement with Mr. Vause for an 8 ft. fence across the rear property line and restrictions in the play equipment that the children in the play yard could not see over the fence from the play yard, and the adjacent neighbors could not see into the play yard. He said it is the general consensus of the neighbors to enter into such an agreement. Mr. Chadburn submitted a copy of a letter agreeing to the stipulations from Mr. Vause.

JUDGE MOSLEY said he had not been approached as to any negotiations for an agreed settlement and does not take this position.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MR. GILES made a Motion for APPROVAL of V-59-80.

Voting was as follows:

"AYES" Mr. Giles.

"NOES" Chairman Swessel, Mrs. Myers.

Motion for APPROVAL failed to carry.

MRS. MYERS made a Motion for DENIAL of V-59-80.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers.

"NOES" Mr. Giles.

Motion for DENIAL carried by a 2/1 vote.

CHAIRMAN SWESSEL announced that this item will be heard by the Board of City Commissioners on September 17, 1980.

7. V-60-80

DENIED

Application of JAMES A. HAMPTON, ET AL, for a variance to allow existing patio covers 9.96 ft. from the rear property line where fifteen ft. (15') rear yard setbacks are required on Lots 1 and 2; allow existing patio covers 11'7" from the side property line on Lot 4, 9'3" from the side property lines on Lot 6, 9'6" from the side property lines on Lot 8, and 10'5" from the side property line on Lot 10 where fifteen ft. (15') side yard setbacks are required on all four lots; allow existing patio covers ten feet (10') from the rear property line and with an average rear yard setback of 13.85 ft. on Lots 4, 6, 8 and 10 where fifteen ft. (15') average rear yard setbacks are required, all of the above lots are in the Sun City Subdivision, on property generally located at the northeast corner of Arville Street and Oakey Boulevard in Zoning District R-1 (Single Family Residence). The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 6, Township 21 South, Range 61 East, M.D.B. & M.

MR. BROWN presented the plot plan. He said that in half of the yards the setback for the patio is the same as the house, but in the other half the patio is encroaching into the side yard. The contractor measured the location of the structures from the curb instead of the lot line and the inspector in checking did not pick up this discrepancy, therefore, the houses were constructed encroaching into the side yards.

CHAIRMAN SWESSEL said in checking the records no variance was ever obtained by the applicant for the patio covers. Mr. Swessel declared the public hearing open and asked to hear from the applicant.

JAMES A. HAMPTON, the applicant, 1651 Stephen Burnett, was present.

JEFFERY SHAW, a partner with Sun City Subdivision, was also present with the applicant.

MR. HAMPTON stated they did get a ten ft. setback variance for the houses but not for the patio covers because the patios were built at the same time the houses were built and they were surprised the initial permits did not allow for the patio covers. He noted that Clay Hymer, Las Vegas City Building and Safety Department, suggested a resurvey at which time the discrepancies were found on four of the houses on Arville Street. He said four of the houses were finalized and the remaining six were built relying upon the layout.

JAMES QUISSENBERRY, 4115 Del Monte Avenue, appeared in protest.

ELEANOR BOSSART, 4200 Bossart Court, voiced her objections stating that the acreage is too small for the number of houses. She also reported that one of her walls had been damaged and her private road as well due to the heavy construction equipment.

MR. HAMPTON said any damage inflicted on her property will be repaired. He noted that Stranton Electric damaged the wall and Mr. Stranton has contacted Mrs. Bossart to discuss repair of the wall. He further stated that they intend to construct a decorative block wall down Oakey Boulevard, dropping it down and curbing it into the cul-de-sac.

CHAIRMAN SWESSEL asked if there was anyone else who wished to be heard; there being no one, he declared the public hearing closed.

CHAIRMAN SWESSEL made a Motion for DENIAL of V-60-80.

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for DENIAL carried unanimously.

8. V-61-80

APPROVED

Application of DOROTHY ANDERSON for a variance to allow two existing non-conforming dwelling units where only one dwelling unit is allowed; to allow an addition to the first non-conforming dwelling which is 3.75 ft. from the side property line, where five feet (5') is required; and to allow the rear non-conforming dwelling ten feet (10') from the rear property line where fifteen feet (15') is required on property located at 410 Vandalia in Zoning District R-1 (Single Family Residence). The above property is legally described as Lots 24, 25, and 26, Block 5, Amended Highland Park.

MR. BROWN presented the plot plan. He said staff has no objection to the addition to the front of the house, but is apprehensive that this may be used as a duplex and would recommend approval subject to the applicant removing the kitchen in the present structure before occupying the addition.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

DOROTHY ANDERSON, the applicant, was present and agreed to staff's stipulation.

THOMAS NEWTON, 414 Vandalia, spoke in favor of the application.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MRS. MYERS made a Motion for APPROVAL of V-61-80, subject to the following conditions:

1. No occupancy shall be permitted in the proposed addition until the existing kitchen has been removed as required by the Department of Community Planning and Development.
2. Conformance to the plot plan.
3. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

9. U-49-80

APPROVED

Application of COLUMBIA INTERNATIONAL, INC., for a use permit to allow a coin operated car wash on property located at 200 North Jones Boulevard in Zoning District C-1 (Limited Commercial). The above property is legally described as Parcel 2, File 25 of Parcel Maps, Page 59 (PM-57-78).

MR. BROWN presented the plot plan. He said staff has no objections to this request provided opaque landscaping be provided on the freeway off-ramp.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

STEVE STUHMER, representing Columbia International, Inc., the applicant, was present.

CHAIRMAN SWESSEL asked if there was anyone else who wished to be heard; there being no one, he declared the public hearing closed.

MRS. MYERS made a Motion for APPROVAL of U-49-80, subject to the following conditions:

1. Landscaping shall be provided along the south side of the property as required by the Department of Community Planning and Development.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.

3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Conformance to the plot plan.
6. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for APPROVAL carried unanimously.

10. V-62-80

APPROVED - Two-story
Office Building with
five ft. (5') setback

Application of THEODORE J. MANOS, ET AL, for a variance to allow a two-story office building two feet (2') from the rear property line where fifteen feet (15') is required on property located at 501 South 6th Street in Zoning District P-R (Professional Offices and Parking). The above property is legally described as Lots 1 and 2, Block 4, Wardie Addition.

MR. BROWN presented the plot plan. He said there is P-R zoning across the street and on one lot directly south of this property. Behind the lot across the alley to the east is R-1 zoning. Mr. Brown said the initial application was for a one-story building with a five ft. setback. The applicant is now requesting a two-story building with a two ft. setback.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

THEODORE J. MANOS, the applicant, was present. Mr. Manos said he and his wife presently occupy the former Gifford residence built in 1925. In order to preserve the integrity and beauty of the original structure, they have requested the two-story structure be built using a similar design as the house. The new structure would only be two feet higher than the existing residence, which is 15.5 ft. in height. He also pointed out that the two-story structure would be more economical to build and said it would be a little larger than the garage which is presently on the site and which will be torn down to accommodate the new building. He said to his knowledge there were no protests and two letters of approval on file.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no, he declared the public hearing closed.

MRS. MYERS made a Motion for APPROVAL of V-62-80, subject to the following conditions:

1. The office building shall be set back five feet (5') from the rear property line.

2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
4. All mechanical equipment, air conditioners, and trash areas shall be screened from view from the abutting streets.
5. Conformance to the plot plan.
6. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

11. V-63-80

APPROVED

Application of RICHARD L. CAMPBELL for a variance to allow an existing residence 3.5 ft. from the east side property line where five feet (5') is required on property located at 2128 Glen Heather Way in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 8, Block 2, Glen Heather Estates Unit No. 3.

MR. BROWN presented the plot plan. He stated this property is in the midst of an R-1 district. He said the applicant is refinancing his house and needs relief of 1.5 feet on the side setback.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

RICHARD L. CAMPBELL, the applicant, was present.

MRS. MYERS asked if this residence was originally constructed this close to the adjacent structure or if there was a later addition.

MR. CAMPBELL stated that it is an addition and there is a two ft. encroachment by the fence onto the property from the neighbor.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MRS. MYERS made a Motion for APPROVAL of V-63-80, subject to the following conditions:

1. Conformance to the plot plan.
2. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES: None

Motion for APPROVAL carried unanimously.

12. V-64-80

APPROVED

Application of CARPETERIA, INC., for a variance to allow twenty-two (22) parking spaces where eighty-five (85) are required on property generally located on the west side of Vista Drive, approximately 200 ft. south of Charleston Boulevard in Zoning District C-1 (Limited Commercial). The above property is legally described as a portion of Lots 1 and 2, Block 2, Hinson Heights.

MR. BROWN presented the plot plan. He said staff finds the number of parking spaces to be adequate and recommends approval.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

ARMAND AND CHRISTINE MERLUZZI, representing Carpeteria, Inc., were present.

JOHN AND SHIRLEY ARNOLD, 1254 Vista Drive, appeared and objected to the limited parking which may create traffic and parking problems along Vista Drive.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MRS. MYERS made a Motion for APPROVAL of V-64-80, subject to the following conditions:

1. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license,
2. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
3. All mechanical equipment, air conditioners, and trash areas shall be screened from view from the abutting streets.
4. Conformance to the plot plan.
5. Securing all necessary permits and licenses and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES: None.

Motion for APPROVAL carried unanimously.

13. V-65-80
APPROVED

Application of E B C TRUST AND ERNIE BLACK for a variance to allow fourplexes where only duplexes are permitted and to allow eighty-five (85) units on the eastern site where sixty-seven (67) units are permitted; and to allow sixty-six (66) units on the western site where only fifty-one (51) are permitted on property located approximately 200 ft. north of Bonanza Road between Dike Lane and Tonopah Drive in Zoning District R-2 (Two Family Residence). The above property is legally described as a portion of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 29, Township 20 South, Range 61 East, M.D.B. & M.

MR. BROWN presented the plot plan. Staff recommends the exceptions and variances which expired in June be granted to continue.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

ROBERT CONN, the applicant, 2228 West Bonanza Road, was present.

ROBERT McNUTT, Chief Engineer, was present with the applicant.

MR. McNUTT reported that the 66-unit development on the western site is now complete, has been recommended for approval by the Planning Commission and will be considered by the Board of City Commissioners in a few weeks. The 88-unit site is still going through FHA and an extension of time is needed to complete that development.

HELEN J. DUNCAN, 730 North Tonopah Drive, appeared in protest. She objected to the traffic congestion four-plexes may cause in this residential area.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MR. GILES made a Motion for APPROVAL of V-65-80, subject to the following conditions:

1. This variance shall be effective for a one-year time period and will expire August 28, 1981.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Conformance to the plot plan.
6. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

14. U-50-80

APPROVED

Application of COLUMBIA INTERNATIONAL, INC., A NEVADA CORPORATION, for a use permit to allow a professional office use on property located at 707 South 10th Street in Zoning District R-4 (Apartment Residence). The above property is legally described as the north six feet (6') of Lot 4, all of Lot 3, and the south twelve feet (12') of Lot 2, Block 22, Wardie Addition.

MR. BROWN presented the plot plan. Staff recommends approval.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

STEVE STUHMER, the applicant representing Columbia International, Inc., was present.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MRS. MYERS made a Motion for APPROVAL of U-50-80, subject to the following conditions:

1. Redesign the parking as required by the Department of Community Planning and Development.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Conformance to the plot plan.
6. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

15. V-67-80

APPROVED - With
Stipulations

Application of BOB STUPAK for a variance to allow an on-premise sign to extend eighteen inches (18") beyond the curb where a three ft. (3') setback from the curb is required on property located at 22 East Fremont Street in Zoning District C-2 (General Commercial). The above property is legally described as Lots 18 and 19, Block 2, Clark's Las Vegas Townsite.

MR. BROWN presented the plot plan and read a letter from Shannon Bybee, a protestant. He stated staff agreed with most of his comments. Staff recommended the marquee be located one ft. (1') behind the curb, the middle of the sign not extend beyond the curb line and the boot of the figure, because of the height, be permitted as submitted.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

BOB STUPAK, the applicant, was present.

SHANNON BYBEE, Vice President, Golden Nugget Gambling Hall and Rooming House, 129 East Fremont Street, appeared in protest. He stated the established three ft. setback from the curb should be adhered to by all casino owners along Fremont Street.

JAMES J. JIMMERSON, Attorney, Galane & Jimmerson, representing Mr. Herbert Pastor, appeared in protest, and stated that his client, Mr. Pastor, is the owner of the Golden Goose Casino, 20 East Fremont; Sassy Sally's Casino, 32 East Fremont; and the Coin Castle, 15 East Fremont. He said the rules regarding signs were established for fairness and to allow this variance would adversely affect Mr. Pastor's interests and investments as well as those of all merchants and owners of real estate on Fremont Street.

MR. STUPAK presented photographs of other establishments along Fremont Street that he claimed had signs extending beyond the curb line. He stated a reduction of his sign would result in a loss of the effectiveness of the sign. He said the sign would be an asset in drawing business for the other establishments along Fremont Street.

CHAIRMAN SWESSEL pointed out in fairness to the Beautification Committee and others who worked to initiate uniform regulations, he did not agree the Board should vary from its present policy of everyone adhering to the three ft. setback requirement.

CHAIRMAN SWESSEL asked if there was anyone else who wished to be heard; there being no one, he declared the public hearing closed.

MR. GILES said although the curb line is something that should be adhered to and everyone has that in common, what they do from there depends on their individual business and he recommended approval of the variance provided the sign adheres to staff's recommendations.

MR. GILES made a Motion for APPROVAL of V-67-80, subject to the following conditions:

1. The marquee (lower Portion of the sign) shall be located one ft. behind the curb as required by the Department of Community Planning and Development.
2. The middle of the sign shall not extend beyond the curb line as required by the Department of Community Planning and Development.
3. Conformance to the plot plan.
4. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Giles, Mrs. Myers.

"NOES" Chairman Swessel.

Motion for APPROVAL carried by a 2/1 vote.

16. V-35-75
Extension

APPROVED

Request of CUSTOM LEATHER, INC., for an extension of the approved variance which allowed commercial use of the existing building located within the required 25 ft. rear yard setback area where no commercial use is allowed within this required rear yard setback area on property located at 3216 West Charleston Boulevard in Zoning District C-D (Designed Commercial).

MR. BROWN stated this item was previously approved for five years. Staff recommends granting an extension for an additional five years.

MAXINE DEACON, representing Custom Leather, Inc., the applicant, was present.

MRS. MYERS made a Motion for APPROVAL of V-35-75, subject to the following conditions:

1. This use shall be limited to a five-year time period and will expire on August 28, 1985.
2. Conformance to the plot plan.
3. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

CHAIRMAN SWESSEL announced this item will be considered by the Board of City Commissioners on September 17, 1980.

17. U-30-74
Plot Plan
Review

APPROVED

Request of COUNTY OF CLARK for a plot plan review to allow an office and storage facility for the Clark County Public Administrator on property located at 545 Shadow Lane in Zoning District R-1 (Single Family Residence).

MR. BROWN presented the plot plan. The proposed building site is on the north side of the property. Staff feels the request is compatible with the development in the area and recommends approval.

BILL BUXTON, Clark County Public Works Department, 401 South Fourth Street, appeared on behalf of the County of Clark.

MR. GILES made a Motion for APPROVAL of U-30-74, subject to the following conditions:

1. Dedication of a radius corner at Shadow Lane and Pinto Lane as required by the Department of Public Services.
2. The parking layout shall be submitted to the Traffic Engineer for approval.
3. Conformance to the plot plan.
4. Securing all necessary permits and licenses and satisfaction of City code requirements and design standards of all City departments.

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

SUPPLEMENTAL AGENDA:

1. U-51-80(HO)

APPROVED

Application of DWAYNE SCOTT for a home occupation permit to allow the assembling of model hover craft kits in boxes for mailing, on property located at 7012 Oakhurst Avenue in Zoning District R-1 (Single Family Residence).

DWAYNE SCOTT, the applicant, 7012 Oakhurst Avenue, was present.

MR. BROWN stated that staff recommends approval.

MR. GILES made a motion for APPROVAL of U-51-80(HO), subject to the following conditions:

1. All advertising shall conform to the criteria for a home occupation permit.
2. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

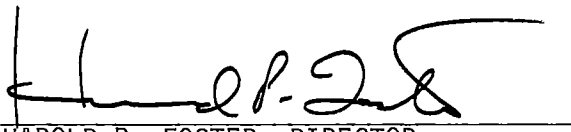
"NOES" None.

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 9:40 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

A handwritten signature in black ink, appearing to read "Harold P. Foster", written over a horizontal line.

HAROLD P. FOSTER, DIRECTOR

- CHAIRMAN SWESSEL: Item No. 6. V-59-80 Application of GARY VAUSE for a variance to allow an outdoor activity area (children's play yard) in conjunction with a kindergarten school and a child care center on property located at 2319 West Charleston Boulevard in Zoning District R-1. (A request is currently being considered to rezone this property to C-D.)
- DON W. BROWN: The location is one lot west of Rancho on the south side of Charleston as you can see on the screen. The proposal, already you've got an existing child -- care school on the corner, and this is to be in conjunction with the recently recommended for approval extension of the child -- not child care center, what's it called? Is it a child care center?
- CHAIRMAN SWESSEL: Yes.
- DON W. BROWN: OK. Well, anyway, the Planning Commission at its hearing recommended to the City Commission that the C-D zoning be approved. Stipulations included some of the, well, all of the conditions agreed to between the owner of this property and an adjacent neighbor. So we would recommend, too, that this be approved subject to the conditions stipulated in that C-D rezoning which has been sent to the City Commission.
- CHAIRMAN SWESSEL: Is the applicant present?
- GARY VAUSE: My name is Gary Vause, 2301 West Charleston. I'm the applicant.
- CHAIRMAN SWESSEL: You've heard staff's recommendations? Commissioners, any questions?
- MRS. MYERS: Yes. This is in conjunction with the school on the corner. Will you be moving that play yard onto this property? If so, where?
- DON W. BROWN: No, one of the conditions of the Planning Commission's recommendations to the City Commission was that no outdoor activity would be permitted on this site at all. This is strictly going to be for the office use and the outside activity would be on the corner with the agreement, I think, the neighbor wanted and eight ft. wall and a couple of other stipulations. So, this would not be used for the children's outdoor activity.
- MRS. MYERS: It says to allow an outdoor activity area in conjunction --

- DON W. BROWN: There's no pick-up and drop-off over here. It's to be on the corner only. There would be the activity here, yes, that's true.
- MRS. MYERS: That was my question. Are they going to be moving the one that is there currently or are you going to be expanding?
- GARY VAUSE: We will be expanding. The City ordinance requires that you have so much area for outside activity, for a play yard, and currently we have a --
- MRS. MYERS: A very small place.
- GARY VAUSE: Well, no, it's a large lot. It's as big as the one to the, the --
- MRS. MYERS: No, I meant the activity area there is very small.
- GARY VAUSE: But it's grass and we've put in an automatic sprinkler system and we have been maintaining the grass so we will keep grass. We have no plans to add any play-ground equipment as such.
- MRS. MYERS: But you will be -- you will be expanding that one onto this, onto 2319? Is that right?
- GARY VAUSE: The purpose is to, in effect, add a classroom for our State certified kindergarten. We'll use this as a kindergarten, but the law requires that we have an outside play area and that's the purpose to be here tonight.
- CHAIRMAN SWESSEL: Any other questions? Any opposition? This is a public hearing. Anyone here like to speak for or against the applicant? Kindly state your name.
- JUDGE DON MOSLEY: Judge Don Mosley. I live at 1127 Westlund which would be the property directly south across Sherman Street from this and just a bit west. I oppose this variance application vehemently for several reasons, two of which I think are very important. One is the nuisance factor which exists at this time that can only be exacerbated if this variance is allowed and, secondly, the traffic congestion that this will result in. I would like to point out to the Board that the intersection of Rancho and Charleston at five o'clock in the afternoon when people come to pick up their children is abhorrent. People turn left heading west on Charleston, turn left onto Rancho toward Sahara and immediately turn right into this facility and are backed up into the intersection.

I have turned left going to my own home in the afternoon and have had to slam on my brakes because of people stopping with little or no warning because of the congestion getting in and out of this parking lot. If this matter is expanded it will only make this present already intolerable position worse. Secondly, as far as the nuisance factor is concerned, I would ask each Board member before they vote on this, if they have the time, to come down and stand in front of my house in the afternoon and listen to the noise that comes out of this place. It sounds like a zoo. Now, this is a quiet, well-established neighborhood or it was at one time. This man's selfish, commercial interest has created a situation that has changed that and at this point he asks this Board to allow him to make the matter worse. I was not a resident at the time the initial variance was granted or I would have been down here with a hammer; however, I moved in shortly thereafter. I do not intend to see this matter made worse. I'll take whatever steps as necessary, but I don't mean that as a threat, certainly, but I wanted Mr. Vause to realize I cannot allow in good conscience a person to use his own selfish interests to create a situation where the neighbors are jeopardized and their quality of life suffers. The man back here behind me who may speak -- he's right behind me. I can't tell you how sorry I feel for this fellow. His property adjoins this mess and he might as well have these children in his own back yard and I'm very serious. I would ask that this matter be denied.

CHAIRMAN SWESSEL:

Thank you. Yes, Sir, do you want to speak?

MIKE CHADBURN:

Yes, Mr. Chairman and Commission, my name is Mike Chadburn and I live at 2318 Sherman Place which my property does abut immediately to this property in question. I can appreciate Mr. Mosley's comments because I used those exact comments two or three years ago in getting this project turned down not once but twice -- with the Planning Commission and BZA. However, being a prudent person and realizing that I would be wasting my time and my neighbors' time to go through this again, we have reached an agreement with Mr. Vause, inasmuch at any given time there is 40 to 45 children in the corner lot we don't see that another 20 or 30 is going to interrupt us that much because we probably couldn't hear them from the noise the other people would be making.

We have asked Mr. Vause for an 8 ft. fence across the rear property line, restrictions in the play equipment that they could neither see over the 8 ft. fence nor that we could see them when they are on the playground equipment, and under those conditions we would accept approval with the stipulation on the 8 ft. fence. That is pretty much the consensus of the neighbors and myself, and I did go through a lot of aggravation in trying to get this turned down previously.

CHAIRMAN SWESSEL:

Commissioners, have you got any questions on it?

MIKE CHADBURN:

This is a copy of the letter, if you would like that, that Mr. Vause did provide the Planning Commission as well as myself.

DON W. BROWN:

Those are the stipulations that I talked about that became part of the recommendation for the C-D rezoning.

CHAIRMAN SWESSEL:

OK.

MRS. MYERS:

Will he have to come back to us or anything for that eight percent?

DON W. BROWN:

No, you would want to make the -- if you want to approve it, based on the City Commission approving the rezoning to C-D.

JUDGE DON MOSLEY:

If I may have just another brief word. I would like the Board to realize that I have not been approached as to any negotiations for an agreed settlement in this matter. I am not privy to these agreements and I do not go along with them, frankly. I can understand the gentleman who preceded me. I can understand his desire to do something. I think it's a last ditch effort to maintain some sanity in his block there, but I don't take that position, frankly. Thank you.

CHAIRMAN SWESSEL:

OK, thank you. What hours does the school operate?

GARY VAUSE:

6:30 A.M. to 6:30 P.M. Could I point out something? The child care facility is an approved use in C-D zoning. The reason we are here is for the variance for the outside activity. This is almost a moot question in that it's not covered as to whether or not you can have a child care -- an outside play yard under this and because there's a question they have referred us on both questions to the Board of Zoning Adjustment. I received two answers on two separate occasions when I've made application.

One was that we didn't need to come to the Board for approval for the outside play yard and that we did need to. Sort of as overkill to be doubly sure, we made application both times for the outside activity; however, the concept of this use as a child care facility is an approved use. In the ordinance it's an approved use. It's acceptable under the ordinance for the C-D zoning. There is no argument with the use of it under C-D zoning for this use. It's an approved use.

CHAIRMAN SWESSEL:

Well, this is one of the unique ones that we get down here and what happens here regardless of how we vote tonight, for denial or approval, it ends up going to City Commission on September 17. They are going to have their final say regardless of what we say, so with that we are going to close the hearing and see what the wishes of the Commission is. I'll entertain a motion for --

MR. GILES:

Thank you. Before we get to that motion -- I realize you've closed the hearing -- can you report to us the status of the zoning commission in this rezoning as you said earlier.

CHAIRMAN SWESSEL:

Mr. Brown.

DON W. BROWN:

The Planning Commission recommended approval for the C-D rezoning. That will be heard by the City Commission on September 17 -- September 3. This will be heard by the City Commission September 17.

CHAIRMAN SWESSEL:

This will be heard by the City Commission.

MR. GILES:

I recommend approval.

Voting was as follows:

"AYES" Mr. Giles

"NOES" Mr. Swessel, Mrs. Myers

CHAIRMAN SWESSEL:

Item has been DENIED but it will be heard by the City Commission on September 17.

GARY VAUSE:

Does it require an appeal to be heard?

CHAIRMAN SWESSEL:

What's that?

GARY VAUSE:

To be heard by the City Commission does it require and appeal?

CHAIRMAN SWESSEL: An appeal? No, because this date has been set.
Is that correct, Mr. Brown?

DON W. BROWN: I'm --

CHAIRMAN SWESSEL: No appeal is necessary because the date --

DON W. BROWN: No, it will automatically go to the City Commission.

CHAIRMAN SWESSEL: It automatically goes to the City Commission on
September 17, with a recommendation for denial.

DON W. BROWN: Mr. Chairman, we need another motion. This is
not denial. We need a motion for approval and
then you get the the one to two vote.

CHAIRMAN SWESSEL: This is a motion for approval.

DON W. BROWN: Well, we need the reverse then, for denial.

CHAIRMAN SWESSEL: Now we need a motion for denial? OK

MRS. MYERS: Move to deny.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers.

"NOES" Mr. Giles.

CHAIRMAN SWESSEL: Item has been DENIED and it will still go to
City Commission on September 17.

- CHAIRMAN SWESSEL: Item Number 8, V-61-80, application of Dorothy Anderson for a variance to allow two existing non-conforming dwelling units where only one dwelling unit is allowed; to allow an addition to the front non-conforming dwelling which is 3.75 ft. from the side property line where five feet (5') is required; and to allow the rear non-conforming dwelling ten feet (10') from the rear property line where fifteen feet (15') is required on property located at 410 Vandalia in Zoning District R-1.
- DON BROWN: You can see the location on the screen. It's right in the heart of the R-1 District. What they're proposing to do over here with Vandalia on the east side, two houses which were built in 1942, which makes them legal in the R-1 District; and now what they're attempting to do and the reason before you is because it's become -- it's a non-conforming use and they're expanding it by adding this structure in between the two. Staff has no objection to the addition to the front house. We are a little apprehensive when something like this comes before us that the possibility might exist, or does exist, that the people -- the applicant might make this into a duplex rather than simply adding to the existing structure. So we would recommend approval, subject to the applicant removing the kitchen in the present structure before they occupy the addition.
- CHAIRMAN SWESSEL: Applicant present?
- DOROTHY ANDERSON: Yes, I'm Dorothy Anderson, 410 Vandalia, and we did intend to remove the kitchen.
- CHAIRMAN SWESSEL: You will agree to remove the kitchen?
- DOROTHY ANDERSON: Yes.
- DON BROWN: In the front house.
- CHAIRMAN SWESSEL: In the front house?
- DOROTHY ANDERSON: Remove the kitchen in the front house. They've just had a baby and we wanted to add the room on for them to have more room in the front house. I live in the rear house and they live -- my son lives in the front house, and it's the front house we want to add to for the baby.

- CHAIRMAN SWESSEL: Do you have any questions, Commissioners? This is a public hearing. Is there anyone here that would like to speak for or against the applicant?
- THOMAS NEWTON: Yes, sir. My name is Thomas Newton. I live next door at 414 Vandalia and I'm the closest neighbor to Mrs. Anderson here; and when I moved in to my house they told me it was three inches over on my property line and I didn't care then and now I find out, they're way over on their property line, so I don't care now. Mr. Carlisle here was born in one of those houses and raised and that and I'm sure he's not going to turn it into a duplex and rent it out from underneath me.
- CHAIRMAN SWESSEL: So, you're speaking in favor of it?
- THOMAS NEWTON: So I'm definitely speaking in favor of this man and his mother.
- CHAIRMAN SWESSEL: Alright. Thank you for coming down. Is there anyone else that would like to speak for or against? Being none, we'll close the hearing. What's the pleasure of the Commission?
- HELEN MYERS: Move to approve.
- CHAIRMAN SWESSEL: With staff's recommendations.
- HELEN MYERS: With staff's recommendations.
- CHAIRMAN SWESSEL: The item has been approved. (Motion carried unanimously)

END OF EXCERPT

CHAIRMAN SWESSEL:

V-60-80. Application of JAMES A. HAMPTON, ET AL, for a variance to allow existing patio covers 9.96 ft. from the rear property line where fifteen ft. (15') rear yard setbacks are required on Lots 1 and 2; allow existing patio covers 11'7" from the side property line on Lot 4, 9'3" from the side property lines on Lot 6, 9'6" from side property lines on Lot 8, and 10'5" from the side property line on Lot 10 where fifteen ft. (15') side yard setbacks are required on all four lots; allow existing patio covers ten feet (10') from the rear property line and with an average rear yard setback of 13.85 feet on Lots 4, 6, 8 and 10 where fifteen ft. (15') average rear yard setbacks are required, all of the above lots are in the Sun City Subdivision, on property generally located at the northeast corner of Arville Street and Oakey Boulevard in Zoning District R-1.

DON W. BROWN:

You can see the location on the screen. It's, as you say, the northeast corner of Arville and Oakey in an R-1 district. The plot plan, I think, is a little more relevant. These are the six houses in question that you read, Mr. Chairman, and the red parts are the roof patio that was added to the lots. Now in half of the cases the setback for the patio is the same as the house. In the other half, the patio is encroaching into the side yard more than into the house. As I understand it, the contractor in measuring the location of these structures used the curb instead of the lot line and the inspector in checking him did not pick up this discrepancy and so, therefore, the houses were placed encroaching into the side yards and therein lies the problem that we are faced with this evening.

CHAIRMAN SWESSEL:

Applicant present?

JEFFERY SHAW:

I'm Jeffery Shaw, one of the partners of Sun City.

JAMES A. HAMPTON:

I'm James A. Hampton, 1651 Stephen Burnett.

CHAIRMAN SWESSEL:

And, you're here for a variance. I know we have had a few problems with this one. Somewhere back here somebody had the understanding that you had gotten a variance and in checking the records, no variance was found and now you are here for a variance. You've made a mistake or whoever, the inspector -- the survey stakes were moved and you guys agreed to replace them in three days. I don't know if you did nor not, if the inspector went out to recheck them. Evidently not because all of this got on without even permits being issued I understand just from the reports I have been reading here.

JAMES A. HAMPTON: Mr. Chairman, we got -- initially we got a variance for the ten ft. setback.

CHAIRMAN SWESSEL: When did you get that?

JAMES A. HAMPTON: The original variance for the -- I'm not saying for these patio covers, I'm saying for the house itself where ten ft. is required on the back side.

DON W. BROWN: Mr. Chairman, I think what he is talking about is not these properties but some other properties they got administrative variances for for the rear yards, and from what I can discern of the case, when it was brought to their attention that permits had not been requested for the patio covers then it was discovered that they were encroaching into the side yards and the permits were not issued and that is the reason it is before you tonight.

CHAIRMAN SWESSEL: And also is it correct that no final inspection or occupancy approvals will be made until this is properly resolved? Is that correct?

DON W. BROWN: That is true.

JAMES A. HAMPTON: We already got people living in them.

CHAIRMAN SWESSEL: Is there somebody living in there, Ernie?

JAMES A. HAMPTON: Mr. Chairman, I've been standing one house from the theft standpoint. We had a lot of pilferage and damage -- people coming around --

CHAIRMAN SWESSEL: What house is that, in the first cul-de-sac?

JAMES A. HAMPTON: Yes, Sir, and which --

CHAIRMAN SWESSEL: Where the garbage cans are -- because I was out there checking this area pretty close and --

JAMES A. HAMPTON: Yes, Sir, 1561 Stephen Burnett.

CHAIRMAN SWESSEL: Do you have street names on this for these cul-de-sacs?

JAMES A. HAMPTON: No, Sir, we don't.

CHAIRMAN SWESSEL: Is that part of the -- isn't that part of the variance or doesn't that come under the zoning or Planning Commission? Don't they have to submit names, Mr. Brown?

DON W. BROWN: That would come later.

CHAIRMAN SWESSEL: That will come later. OK, we got the streets in though.

JEFFERY SHAW:

The streets are being put in now. The street signs are an order item that will be here in two weeks, but what we would like to bring up to the Chairman of the Board here, there was never, ever any intent to - I don't know what you would say - fraud or whatever. I'm just saying that we have applied for everything. We have worked very close with the City. The patios were erected at the time the house was. It was an add on item. We had everything inspected, went down the line, and we were surprised then that our initial permit that we got did not cover these patio covers. Mr. Hymer of the Building Department suggested we have it resurveyed which we done and that is when -- at that time is when we found out the discrepancy on the four houses on Arville and it was just a mistake. When we had the -- we measured it. We had two different building inspectors measure it from the stake which is measured from the back of the curb line. This is something that wasn't done with any intent, that's for sure. We have tried to stay --

CHAIRMAN SWESSEL:

Yeah, but being a building contractor you had to be aware of where you were on the setbacks and where you were with your patio covers.

JEFFERY SHAW:

We relied upon the building inspectors who laid it out.

CHAIRMAN:

Oh come on now. You didn't rely on him. You didn't even have the grade stakes in there, the survey stakes in there when the man was there.

JEFFERY SHAW:

It was done twice. It was done, surveyed, twice for the benefit of the building department. He went out there and each slab was laid out for him to approve and the house was completely approved. Four of them were finalized and the remainder - the remaining six - were completely built relying upon what was taking place on layout. We certainly wouldn't have done it wrong if we had known that it was five ft. off.

JAMES A. HAMPTON:

Mr. Chairman, we are not trying to pass the responsibility. I'm not here for that reason at all. I understand. I am the general contractor and I will accept the responsibility for whatever has to be done. I am not here to argue or anything like that.

CHAIRMAN SWESSEL:

OK, Commissioners, do you have any questions of these gentlemen?

MR. GILES:

I would like to hear the opposition.

CHAIRMAN SWESSEL:

OK. This is a public hearing and I know we have a few people here that would like to speak on this subject and we are here to hear you.

JAMES QUISENBERRY:

I'm James Quisenberry. I live at 4115 Del Monte. The houses are 143 ft. from my property line. This property originally was zoned R-E which was zoned for six houses. When they originally came before this Commission they didn't even have plot plans. You turned it down and the City Commission approved it on - I believe it was on December the 23rd, which is kind of a bad time and since you turned it down we all assumed that they would turn it down. It is kind of inconceivable on my part to believe that they didn't know what they were doing when they made 2, 4, 6, 8, 10 mismeasurements and as close as these things are placed if one of them ever got on fire all ten of them plus two or three others in the neighborhood would go up.

CHAIRMAN SWESSEL:

Thank you.

ELEANOR BOSSART:

I'm Eleanor Bossart of 4200 Balzar Court and I live directly north of those ten houses. When I came two years ago to apply for R-1 and only intended six houses on two and a half acres or nearly two and a half acres, I was flatly denied. Here there are ten big houses on those small lots. They have not any room and they built and put the houses --

CHAIRMAN SWESSEL:

May I just interject because I sat on the Commission and I want my fellow Commissioners to know the tough restrictions we did place on you, and will you tell me or tell the rest of the Commission how many feet of private road we insisted that you put in to get where your house is built.

ELEANOR BOSSART:

Yeah. You insisted on 30 ft. When we built the house --

CHAIRMAN SWESSEL:

Now how far from Arville back did you have to go with a private road? How many feet?

ELEANOR BOSSART:

Four Hundred feet.

CHAIRMAN SWESSEL:

Four Hundred feet if I remember.

ELEANOR BOSSART:

And on top of it we had to put our house -- so high. It's about five ft. high which was such an added expense. Then I had the problem we were not even allowed to put in a tennis court. It was said it might be too crowded and here I am so close to those houses when their backhoe turned, went by to do their work it hit my wall and my wall is broken. My tennis court got absolutely washed from the gravel and now, you know, they had to use my private road which costs us a lot of money. I talked to the subcontractor. There was no way they could go to their work, to their building site when they did the excavating with those heavy trucks when everything went over our property and the road is damaged.

When I called up the City I was told - well, on a private road we can do nothing - but I blame the City to allow something like this so close. If the Commission would see how those houses are and now, you know, we live with a damaged road. Everything is broken and we are really bitter about it and I don't see why some people get away with everything and they have all the restrictions. All that I come to ask you, if it would be possible if those gentlemen whatever damage done to our road or something that we get some reimbursement to fix it up. I understand --

CHAIRMAN SWESSEL: We can't help you on your damage, but we can talk to the gentlemen about this.

JAMES A. HAMPTON: Mr. Chairman?

CHAIRMAN SWESSEL: Yes?

JAMES A. HAMPTON: Straton Electric did damage - put a small hole in their wall. Mr. Straton contacted her this week and told her that it would definitely be repaired. Initially - it's hard when you run ten houses to keep other contractors off somebody's property. I am not saying that -- they did cross their property.

CHAIRMAN SWESSEL: I know I was there today and watched a blockman using that private road and I watched heavy trucks go down there and I think it's a shame that you guys do this to this homeowner that we put through a lot of trouble to put this road in and expense.

ELEANOR BOSSART: Expenses, you know, a lot of extra expenses now. You know, everything is broken and done and now again you can't go and sue --

CHAIRMAN SWESSEL: Well, anyhow, Mrs. Bossart, we are happy you came down and told us your problems, and my fellow Commissioners are aware of the strict restrictions we did put on your lots down there so I am glad you did come down and speak.

ELEANOR BOSSART: Well, I just would appreciate if they, you know, would cover the damage with these --

JAMES A. HAMPTON: Any, any damage that has been inflicted on her property by us, we'll definitely take care of. The wall is the one -- and one of the trucks went over her driveway. She -- we had -- the contractor had her permission to put a block wall along the fence there and had her permission to use her property and we talked with him as far as making sure everything was clean. We've tried to keep harmony with all the neighbors across the street. Could I -- Mr. Swessel, I know you have been out to the houses but could I just possibly show the other people.

CHAIRMAN SWESSEL: Yeah, I wish you would show it to the other Commissioners in case they haven't been there.

MRS. MYERS: I was there today.

CHAIRMAN SWESSEL: She was there so we are in good shape.

MR. GILES: I would like to see it. I've been by there --

JEFFERY SHAW: The a -- Mr. Swessel, the patio covers that are a foot or so encroaching on the back part of the property a, as I say again, they were measured time and again but we did get the wrong line. I admit that. Of course the alternative is to take off a foot from the patio covers which would -- you wouldn't have the encroachment. I am very sorry it happened and we will rectify it but it certainly wouldn't look good on an expensive house to saw off ten inches on a patio cover. I think it is a benefit to the homeowner to put an expensive patio on the plans that he initially called for it. We, we put it on, nevertheless, for the benefit of the homeowner.

JAMES A. HAMPTON: Could I inject one other thing? I'm sorry to take up your time, but we are having intentions of putting a block wall down Oakey Boulevard with turn ins there as well to appease any -- we discussed it with the homeowners across the street and they -- they was pleased from that standpoint.

CHAIRMAN SWESSEL: You are going to put a block wall down Oakey?

JAMES A. HAMPTON: Yes, Sir. Down Oakey and then drop it down and curb it into the cul-de-sac, a decorative wall, and well, that's about all I have to say.

CHAIRMAN SWESSEL: Commissioners, do you have any questions. Do you want to say something, Mr. Quisenberry?

JAMES QUISENBERRY: I have one other comment. You wouldn't believe the garbage that we have picked up and is still laying back there.

CHAIRMAN SWESSEL: I believe it. You know that.

JAMES QUISENBERRY: And you know, as I say, how do they get a permit to install or to file a permit to install an electric meter and live in a house when they still have ten violations on them?

CHAIRMAN SWESSEL: I don't know. We're going to find out.

JEFFERY SHAW: They -- we're finalized by the Building Department. Mr. Chairman, they finalized this out of these four houses and then this came up.

CHAIRMAN SWESSEL: When --

JEFFERY SHAW: It came up like ten days later. There was nobody pressing anybody or anything. It just -- it's a mistake all -- you know.

CHAIRMAN SWESSEL: Yeah, we -- it's a mistake, you're right. OK, with that we are going to close the hearing and, and I am going to look to my fellow Commissioners for a motion and I'll tell you what, down here the Chairman has the prerogative of making a motion and I'm going to make a motion for denial and send this to City Commission and see what they do with it.

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers

"NOES" None

CHAIRMAN SWESSEL: The item has been DENIED. You have a right to appeal to the City Commission. Ten days.

CHAIRMAN SWESSEL:

Item 15. V-67-80 Application of BOB STUPAK for a variance to allow an on-premise sign to extend eighteen inches (18") beyond the curb where a three ft. (3') setback from the curb is required on property located at 22 East Fremont Street in Zoning District C-2.

DON W. BROWN:

I think you know the location. I won't get into that but we have a letter from the Golden Nugget and I would like to quote part of that because this is also staff's thinking, and here we go --

We believe there should be no further extensions into the street. Virtually all Fremont Street signs end at the curb, thus leaving the "street" area open and permitting all establishments to compete equally for the public eye. Granting of this request for a variance will place pressure on other Fremont Street businesses to do likewise in order to protect into the Fremont Street line of sight and attract the public's eye. Only the next one will want a variance to 24 inches and another, 30 inches. Where will it end. Let it end at the curb where all can compete equally for public recognition.

And I say, those sentiments are pretty much the way staff feels. We wouldn't object if the marquee were located one ft. behind the curb rather than the requested three, and the Glitter Gulch part at the curb line. In other words, come in the 18 inches at the curb line, and we feel that the boot is so high that we have no objection to leaving it the way it is. We wouldn't want to cut off part of the gal's leg anyway. But, I think with those stipulations we would recommend approval. We also have objections from the Golden Goose Casino, Sassy Sally's Casino and the Coin Castle Casino saying pretty much what the Golden Nugget letter says.

CHAIRMAN SWESSEL:

Is the applicant present?

BOB STUPAK:

Yes, Sir. I would like to --

CHAIRMAN SWESSEL:

Do you want to give us your name, Mr. Stupak?

BOB STUPAK: Pardon me? Well, my name is Bob Stupak, the owner of the property. Is it possible I could reserve my comments until after we hear what the protestors have to say and I could speak at that time?

CHAIRMAN SWESSEL: Well, sure. We are going to give you time to answer any protests because I know we have got one sitting down here for sure. You want to hear the protestors first? OK. Mr. Bybee, I know you're here.

SHANNON BYBEE: Mr. Chairman, members of the Board, my name is Shannon Bybee, Vice President of the Golden Nugget, Inc. I don't know whether I can say it any better, only emphasize my words which were quoted. We believe - the Golden Nugget - that it is not in the best interests of the community or the industry to have a sign, another sign, that will stick out into the street. Everyone else stops at the curb and we think that's where it should remain. We think it can create problems of taste, problems of what's -- you know, whose can stick out the furthest, and I think it's been acceptable for everybody to stop at the curb and it should end there.

CHAIRMAN SWESSEL: Any questions? Thank you. Mr. Jimmerson?

JAMES JIMMERSON: James Jimmerson. I'm a partner in the firm of Galane and Jimmerson. I represent Mr. Herbert Pastor who is the owner of the Golden Goose, directly next door to the subject property. You see it referenced in the picture. He is also the owner of Sassy Sally's, which is 50 ft. to the east on the corner of Second and Fremont, and the owner of a 25 ft. piece of property across the street called the Coin Castle. Mr. Pastor has written a letter of protest and I need not restate what it is there. It is simply this. Regardless of how the City attempts to experiment with traffic along Fremont Street, you have rules with regard to signs that are here to establish basic fairness and fair play. To allow this variance which would be the only one of its kind up and down Fremont Street would adversely affect Mr. Pastor's interests and all of the merchants and owners of real estate on Fremont Street. Five years ago, Mr. Pastor invested one-half of a million dollars on a sign on the Golden Goose. Now he is going to be dwarfed by all traffic moving east to west on Fremont Street as we have one-way traffic now on the weekends, by a humongous sign.

It may or may not be attractive. I think beauty is in the eye of the beholder. Nevertheless, its size will obscure the presence of the Golden Goose's sign and if you go the other direction, of Mr. Pastor's property to the east, Sassy Sally's, I have stood on that property line. I've stood in front of Mr. Stupak's property. You have all signs conforming with the regulations; that is to say they go three feet up to the curb line. There's been no exceptions and I do not see the cause now to vary from that. It's a matter of each of the men and women who have an interest in these businesses have a large amount at stake and they are entitled to have the opportunity to compete for the business fairly and equally and not by someone who has a sign that juts out into the middle of the street. Thank you very much.

CHAIRMAN SWESSEL:

Thank you. Anyone else want to speak in opposition? OK, Mr. Stupak, you have your rebuttal time.

BOB STUPAK:

I think these protestors must be blind or I'm losing my mind as far as what's sticking out in the street and what's going over the three ft. limitation. Sixty days ago on that location there used to be a jam auction and topless go-go place. I have known Mr. Pastor that owns those three locations for a good number of years now and I know that's been quite a nuisance for him to be next door. In fact, I've read time and time again in the newspapers where the City Commission, or the City of Las Vegas, was in court trying to close these existing buildings or these existing businesses down.

CHAIRMAN SWESSEL:

Mr. Stupak, we're really not interested in that. We're going to stay with the sign -- why we should grant you the sign. I could care less if Mr. Pastor and Joe Conforti ran the place together. I don't care. I want to know about the sign. That's all.

BOB STUPAK:

The sign that I'm putting up there, it's a -- the total financial commitment to me is \$840,000. I think it will be a positive attraction to Fremont Street. I am not asking for anything that other casinos don't have. It has been mentioned, I believe, by Mr. Bybee and the other attorney present that this will be the only variance allowed on Fremont Street and you shouldn't grant it. I have with me photographs that I had authorized to be taken showing the line drawings. This is the Coin Castle, or the Golden Goose, right next door. This red line signifies the curb, not behind the curb, but the curb.

That is extending out right there more than the variance that I am asking for now. The Coin Castle across the street -- here is the curb line. The entire sign is a few inches over the curb cut. This is somebody protesting that my sign is sticking out. This sign is sticking out. I am asking for the same rights to go to the curb as these existing signs are here. As far as the top half of the sign which we are talking 40-50 ft. above the air where the leg swings out, I would like to have the same variance that Vegas Vic has across the street that will indicate that that's approximately, from the best that we can gather -- I had somebody -- approximately 24 inches.

CHAIRMAN SWESSEL: Do you know how long Vegas Vic has been up there?

BOB STUPAK: Well, it --

CHAIRMAN SWESSEL: Do you really know? How many years?

BOB STUPAK: It's been up there since 1946.

CHAIRMAN SWESSEL: 1946.

BOB STUPAK: All right, so that's 24 years or 26 years.

CHAIRMAN SWESSEL: No. Thirty-four years. All right, go ahead.

BOB STUPAK: Or 34 years. I don't see where that has a bearing on it either.

CHAIRMAN SWESSEL: It has a bearing, but I'm going to answer you when you get done.

BOB STUPAK: All right. The attorney for Mr. Pastor says that this sign --

JAMES JIMMERSON: Mr. Stupak, my name is Jim Jimmerson.

BOB STUPAK: I'm sorry. -- stated that this sign will dwarf the sign next door. Well, I'm spending an extra \$340,000 which is making it about 20 to 25 ft. higher so this is just business. I don't think that that should be considered at all. What I am asking for, for the investment I have here for the cost of the sign, I'm just asking for what is directly next door to me, directly across the street from me and directly on the corner from me, all within a couple of hundred feet and I don't want any more, I just want what they have.

In fact, in the case of the Coin Castle and the Goose, I'm taking less. I'm prepared on the lower part of the sign just to meet the curb not to go a few inches over, and that's my case.

CHAIRMAN SWESSEL:

OK. Commissioners, have you got any questions of Mr. Stupak?

MR. GILES:

Are there any structural problems with the building that you would need that sign cantilevered out there?

BOB STUPAK:

Well, the sign, the top half of the sign and what have you, the whole thing would have to be reduced and set back behind the -- over the roof -- you know, over the roof of the building which will -- all right, the whole sign would have to be reduced which would lose a lot of effectiveness of the sign.

JAMES JIMMERSON:

May I be briefly heard? If you keep the same line, that is, three feet behind the curb, he can have the size sign that he desires if he just reduces it and keeps within the three feet line regulations, and I know he hasn't commenced to spend \$840,000 depending upon your vote or guessing upon your vote. Looking at that sign you can see it is going to dwarf anything in that neighborhood. It's not even close.

CHAIRMAN SWESSEL:

I want to say something. Many, many years ago Mayor Gragson, I think it's 20 some years ago if I remember correctly, I was appointed to the first Beautification Committee of the City and I served eight years. I think I put my civic debts down there or whatever you want to call it. Paid my dues. We worked hard on that Beautification Committee to come up with sign ordinances. We worked hard to try and beautify this City and I think we got everybody conforming to the signs and to -- we got the downtown looking in a nice, neat, orderly fashion right now, and though I just can't see us varying from this one iota I see all the work on these committees that all these people have put in over the years going down the drain over one sign. I just can't see it happening. That is all I have got to say and with that I'm going to close this hearing.

MR. GILES:

If you look up above Fremont Street it seems like that the curb line is something that should be adhered to. Everyone has that in common. What they do from there back depends on the individual business. So I'm going to recommend approval of this variance provided the sign adheres to staff's recommendations,

to set back from the curb, the boot at the top would be acceptable to go out to the curb but nothing extending beyond the curb. Is that close to the present --

DON W. BROWN:

Let me read staff's recommendation, Sir.

MR. GILES:

OK, please do.

DON W. BROWN:

Marquee located one ft. behind the curb, and the middle part of the sign which extends eighteen inches be brought back to the curb line and not change the foot. In other words, this marquee, one ft. behind the curb. This Glitter Gulch business -- curb line and leave that the way it is.

CHAIRMAN SWESSEL:

Is that your motion?

MR. GILES:

Yes. I recommend approval with staff's recommendations then.

Voting was as follows:

"AYES" Mr. Giles, Mrs. Myers.

"NOES" Mr. Swessel.

CHAIRMAN SWESSEL:

That has been APPROVED.

BOB STUPAK:

Excuse me, Mr. Chairman. I understand the item has been approved according to staff's recommendations, but do I have any appeal, any further rights?

CHAIRMAN SWESSEL:

If you don't like the way it's going, sure. Sure, you get ten days to go in front of the City Commission. I wish you would appeal it.

BOB STUPAK:

All right. Thank you.

CHAIRMAN SWESSEL:

OK. Incidentally, before the other attorneys get away, either side has a right to appeal that decision in ten days.

BZA 8/28/80

Please Print

NAME

ADDRESS

Jeff SHAW

2201 COCHRAN ST.

Jim Hampton

1051-STEPHEN BURNET Ct

Steve Stuhmer

1605 Redrock Rd.

Christine MerLuzzi

2913 Bryant AVE.

ANNOTATED AGENDA - BOARD OF ZONING ADJUSTMENT - AUGUST 28, 1980

PRESENT: Swessel, Giles, Myers
EXCUSED: Bugbee, & Emmett

MINUTES: Mrs. Myers made a Motion for APPROVAL of the Minutes for the Board of Zoning Adjustment meetings held April 24, 1980; May 22, 1980; June 26, 1980; and July 24, 1980. Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. V-101-77 - DENIED - MYERS/Unanimous

PROTESTANT: Shannon Zivic
5900 W. Tropicana

NEW BUSINESS:

1. U-45-80 - APPROVED - MYERS/Unanimous

2. V-55-80 - APPROVED - MYERS/Unanimous

3. V-56-80 - APPROVED - GILES/Unanimous

4. V-57-80 - APPROVED - Motion by GILES - Swessel voted NO - 2/1 vote

5. V-58-80 - APPROVED - MYERS/Unanimous

6. V-59-80 - DENIED - Motion by MYERS - Giles voted NO - 2/1 vote
(Motion by Giles for APPROVAL - Denied - Swessel & Myers voted NO)

PROTESTANTS: Judge Don Mosley
1127 Westlund

Mike Chadburn
2318 Sherman

7. V-60-80 - DENIED - SWESSEL/Unanimous

PROTESTANTS: 2 persons appeared
in protest:

Eleanor Bossart
4200 Balzar Crt.

James Quisenberry
4115 Del Monte

8. V-61-80 - APPROVED - MYERS/Unanimous
(Applicant to remove kitchen in
present structure)

IN FAVOR: Thomas Newman
1414 Vandalia

9. U-49-80 - APPROVED - MYERS/Unanimous

10. V-62-80 - APPROVED - MYERS/Unanimous - Staff's recommendation - 2-story office Bldg.
5 ft. setback

11. V-63-80 - APPROVED - MYERS/Unanimous

12. V-64-80 - APPROVED - MYERS/Unanimous

APPEARED: John & Shirley Arnold
1254 Vista Drive
(stated concern about
traffic on Vista Drive)

2 letters of Protest.

13. V-65-80 - APPROVED - GILES/Unanimous
(1 yr. extension)

PROTESTANT: Helen J. Duncan
730 N. Tonopah Dr.

14. U-50-80 - APPROVED - MYERS/Unanimous

15. V-67-80 - APPROVED - Motion by GILES - 2/1 vote - Swessel voted NO

Stipulations:

1. Marquee to be located 1 ft. behind curb.
2. Metal portion of sign which extends 18" to be brought back to curb.
3. Boot portion of sign acceptable to the curb.

PROTESTANTS: James Jimmerson
Galane & Jimmerson
1100 First National Bank Bldg.
302 E. Carson
(representing Herbert Paster,
owner - Golden Goose, Sassy
Sally's, Coin Castle,
Shannon Bybee representing
Golden Nugget

16. V-35-75 - APPROVED - MYERS/Unanimous - 5 yr. Extension

17. U-30-74 - APPROVED - GILES/Unanimous

SUPPLEMENTAL AGENDA:

1. U-51-80(HO) - APPROVED - GILES/Unanimous